

104TH CONGRESS
2^D SESSION

H. R. 3378

**HOUSE AMENDMENT
TO SENATE
AMENDMENT**

In the House of Representatives, U.S.,

September 27, 1996.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3378) entitled “An Act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and for other purposes”, with the following

**HOUSE AMENDMENT TO
SENATE AMENDMENT:**

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

1 **SECTION 1. SHORT TITLE; REFERENCE.**

2 (a) *SHORT TITLE.*—This Act may be cited as the “In-
3 dian Health Care Improvement Technical Corrections Act
4 of 1996”.

5 (b) *REFERENCES.*—Whenever in this Act an amend-
6 ment or repeal is expressed in terms of an amendment to
7 or repeal of a section or other provision, the reference shall
8 be considered to be made to a section or other provision
9 of the Indian Health Care Improvement Act.

10 **SEC. 2. TECHNICAL CORRECTIONS IN THE INDIAN HEALTH**
11 **CARE IMPROVEMENT ACT.**

12 (a) *DEFINITION OF HEALTH PROFESSION.*—Section
13 4(n) (25 U.S.C. 1603(n)) is amended—

14 (1) by inserting “allopathic medicine,” before
15 “family medicine”; and

16 (2) by striking “and allied health professions”
17 and inserting “an allied health profession, or any
18 other health profession”.

19 (b) *INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.*—
20 Section 104(b) of the Indian Health Care Improvement Act
21 (25 U.S.C. 1613a(b)) is amended—

22 (1) in paragraph (3)—

23 (A) in subparagraph (A)—

24 (i) by striking the matter preceding
25 clause (i) and inserting the following:

1 “(3)(A) *The active duty service obligation under a*
 2 *written contract with the Secretary under section 338A of*
 3 *the Public Health Service Act (42 U.S.C. 254l) that an in-*
 4 *dividual has entered into under that section shall, if that*
 5 *individual is a recipient of an Indian Health Scholarship,*
 6 *be met in full-time practice, by service—”;*

7 *(ii) by striking “or” at the end of*
 8 *clause (iii); and*

9 *(iii) by striking the period at the end*
 10 *of clause (iv) and inserting “; or”;*

11 *(B) by redesignating subparagraphs (B)*
 12 *and (C) as subparagraphs (C) and (D), respec-*
 13 *tively;*

14 *(C) by inserting after subparagraph (A) the*
 15 *following new subparagraph:*

16 “(B) *At the request of any individual who has entered*
 17 *into a contract referred to in subparagraph (A) and who*
 18 *receives a degree in medicine (including osteopathic or*
 19 *allopathic medicine), dentistry, optometry, podiatry, or*
 20 *pharmacy, the Secretary shall defer the active duty service*
 21 *obligation of that individual under that contract, in order*
 22 *that such individual may complete any internship, resi-*
 23 *dency, or other advanced clinical training that is required*
 24 *for the practice of that health profession, for an appropriate*

1 *period (in years, as determined by the Secretary), subject*
 2 *to the following conditions:*

3 “(i) *No period of internship, residency, or other*
 4 *advanced clinical training shall be counted as satisfy-*
 5 *ing any period of obligated service that is required*
 6 *under this section.*

7 “(ii) *The active duty service obligation of that*
 8 *individual shall commence not later than 90 days*
 9 *after the completion of that advanced clinical train-*
 10 *ing (or by a date specified by the Secretary).*

11 “(iii) *The active duty service obligation will be*
 12 *served in the health profession of that individual, in*
 13 *a manner consistent with clauses (i) through (v) of*
 14 *subparagraph (A).”;*

15 *(D) in subparagraph (C), as so redesign-*
 16 *ated, by striking “prescribed under section*
 17 *338C of the Public Health Service Act (42*
 18 *U.S.C. 254m) by service in a program specified*
 19 *in subparagraph (A)” and inserting “described*
 20 *in subparagraph (A) by service in a program*
 21 *specified in that subparagraph”; and*

22 *(E) in subparagraph (D), as so redesign-*
 23 *ated—*

1 (i) by striking “Subject to subpara-
 2 graph (B),” and inserting “Subject to sub-
 3 paragraph (C),”; and

4 (ii) by striking “prescribed under sec-
 5 tion 338C of the Public Health Service Act
 6 (42 U.S.C. 254m)” and inserting “described
 7 in subparagraph (A)”;

8 (2) in paragraph (4)—

9 (A) in subparagraph (B), by striking the
 10 matter preceding clause (i) and inserting the fol-
 11 lowing:

12 “(B) the period of obligated service described in
 13 paragraph (3)(A) shall be equal to the greater of—”;
 14 and

15 (B) in subparagraph (C), by striking “(42
 16 U.S.C. 254m(g)(1)(B))” and inserting “(42
 17 U.S.C. 254l(g)(1)(B))”; and

18 (3) in paragraph (5), by adding at the end the
 19 following new subparagraphs:

20 “(C) Upon the death of an individual who receives an
 21 Indian Health Scholarship, any obligation of that individ-
 22 ual for service or payment that relates to that scholarship
 23 shall be canceled.

24 “(D) The Secretary shall provide for the partial or
 25 total waiver or suspension of any obligation of service or

1 *payment of a recipient of an Indian Health Scholarship*
 2 *if the Secretary determines that—*

3 “(i) *it is not possible for the recipient to meet*
 4 *that obligation or make that payment;*

5 “(ii) *requiring that recipient to meet that obliga-*
 6 *tion or make that payment would result in extreme*
 7 *hardship to the recipient; or*

8 “(iii) *the enforcement of the requirement to meet*
 9 *the obligation or make the payment would be uncon-*
 10 *scionable.*

11 “(E) *Notwithstanding any other provision of law, in*
 12 *any case of extreme hardship or for other good cause shown,*
 13 *the Secretary may waive, in whole or in part, the right*
 14 *of the United States to recover funds made available under*
 15 *this section.*

16 “(F) *Notwithstanding any other provision of law, with*
 17 *respect to a recipient of an Indian Health Scholarship, no*
 18 *obligation for payment may be released by a discharge in*
 19 *bankruptcy under title 11, United States Code, unless that*
 20 *discharge is granted after the expiration of the 5-year pe-*
 21 *riod beginning on the initial date on which that payment*
 22 *is due, and only if the bankruptcy court finds that the non-*
 23 *discharge of the obligation would be unconscionable.”.*

24 (c) *CALIFORNIA CONTRACT HEALTH SERVICES DEM-*
 25 *ONSTRATION PROGRAM.—Section 211(g) (25 U.S.C.*

1 1621j(g)) is amended by striking “1993, 1994, 1995, 1996,
2 and 1997” and inserting “1996 through 2000”.

3 (d) *EXTENSION OF CERTAIN DEMONSTRATION PRO-*
4 *GRAM.*—Section 405(c)(2) (25 U.S.C. 1645(c)(2)) is amend-
5 ed by striking “September 30, 1996” and inserting “Sep-
6 tember 30, 1998”.

7 (e) *GALLUP ALCOHOL AND SUBSTANCE ABUSE TREAT-*
8 *MENT CENTER.*—Section 706(d) (25 U.S.C. 1665e(d)) is
9 amended to read as follows:

10 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There
11 are authorized to be appropriated, for each of fiscal years
12 1996 through 2000, such sums as may be necessary to carry
13 out subsection (b).”.

14 (f) *SUBSTANCE ABUSE COUNSELOR EDUCATION DEM-*
15 *ONSTRATION PROGRAM.*—Section 711(h) (25 U.S.C.
16 1665j(h)) is amended by striking “1993, 1994, 1995, 1996,
17 and 1997” and inserting “1996 through 2000”.

18 (g) *HOME AND COMMUNITY-BASED CARE DEMONSTRA-*
19 *TION PROGRAM.*—Section 821(i) (25 U.S.C. 1680k(i)) is
20 amended by striking “1993, 1994, 1995, 1996, and 1997”
21 and inserting “1996 through 2000”.

Attest:

Clerk.